

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

WILLIAM KINDER,)
)
 Plaintiff,)
)
 v.) No. 4:14CV1332 CDP
)
 TREMCO and JOE BRASIL,)
)
 Defendants,)

MEMORANDUM AND ORDER

The Court notes that plaintiff William Kinder has now paid the full filing fee in this action. In light of his payment, I will ignore his noncompliance with my order dated August 11, 2014, requiring him to amend his complaint and resubmit it on a court-provided form. This action will proceed instead on the complaint Kinder has filed.

Kinder has requested appointment of counsel. A civil litigant has no constitutional or statutory right to court-appointed counsel, and the decision whether to make an appointment is within the Court's discretion. *See Sours v. Norris*, 782 F.2d 106, 107 (8th Cir. 1986). Here, considering Kinder's nonindigent status and his demonstrated ability to prosecute this action on his own, at least at this stage, I will deny without prejudice his motion for appointment of counsel. *See Section 706(f) of Title VII*, 42 U.S.C. § 2000e-5(f)(1) (court may appoint counsel "in such circumstances as the court may deem just"); *Slaughter v. City of Maplewood*, 731

F.2d 587, 590 (8th Cir. 1984) (listing factors to be considered, including plaintiff's in forma pauperis status).

Because Kinder has paid the filing fee, his complaint is not subject to review under 28 U.S.C. § 1915(a). As such, he is responsible for serving defendants in accordance with Federal Rule of Civil Procedure 4 within 120 days of the date of this Memorandum and Order.

Accordingly,

IT IS HEREBY ORDERED that plaintiff shall cause service to be effected upon defendants within 120 days of the date of this Order. In absence of good cause shown, failure to timely serve defendants shall result in the dismissal of plaintiff's claims without prejudice.

IT IS FURTHER ORDERED that the Clerk of Court shall forward to plaintiff with a copy of this order: i) a file-stamped copy of the complaint; ii) a summons forms; iii) a "Notice of Intent to Use Private Process Server" form; and iv) Waiver of Service Forms.

IT IS FINALLY ORDERED that plaintiff's motion for appointment of counsel [#3] is denied without prejudice.



CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE

Dated this 30th day of September, 2014.